

Regular Session, 2010

SENATE BILL NO. 189

BY SENATOR MURRAY

ASSESSORS. Removes requirement in Orleans Parish that acts of sale or other acts transferring immovable property be filed with the assessor.(1/1/11)

AN ACT

To amend and reenact R.S. 13:4405 and R.S. 35:199(A)(2), relative to notarial instruments; to remove requirements that acts of sale or other acts evidencing a transfer of immovable property situated in the parish of Orleans be filed with the assessor; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4405 is hereby amended and reenacted to read as follows:

§4405. Sheriff to record sales in conveyance office in New Orleans; ~~filing of copies~~  
~~with assessor;~~ penalties

~~A.~~ The sheriff of the parish of Orleans shall record in the conveyance office of the city of New Orleans all judicial sales of real property made by him, besides having the sales recorded in the clerk's office as now required by law.

~~B.(1) Whenever any real property situated in the parish of Orleans is sold at a sheriff's sale, it shall be the duty of the civil sheriff for the parish of Orleans to file a copy of the act of sale with the assessor for the parish of Orleans within fifteen days from the date of adjudication.~~

1                   ~~(2) Whoever violates the provisions of this Subsection shall be fined not more~~  
2                   ~~than fifty dollars or imprisoned in the parish jail for not more than sixty days, or~~  
3                   ~~both.~~

4                   Section 2. R.S. 35:199(A)(2) is hereby amended and reenacted to read as follows:

5                   §199. Duty to file, register, or record notarial instruments

6                   A. Notaries public shall record all acts of sale, exchange, donation, and  
7                   mortgage of immovable property passed before them, together with all resolutions,  
8                   powers of attorney, and other documents annexed to or made part of the acts, in their  
9                   proper order, and after first making a careful record of the acts in record books to be  
10                  kept for that purpose as follows:

11   \*       \*       \*

12                  (2)(a) If the immovable is situated within the parish of Orleans, the notary  
13                  shall file the instrument in the office of the custodian of notarial records for the  
14                  parish of Orleans and record the instrument with the register of conveyances or  
15                  recorder of mortgages or both.

16                  (b) If the instrument is an act of sale or any other act evidencing a transfer of  
17                  immovable property situated in the parish of Orleans, it shall be the duty of the  
18                  notary to:

19                  ~~(i) File a copy of the instrument with the board of assessors for the parish of~~  
20                  ~~Orleans within fifteen days from the date of sale or transfer. Whenever there is~~  
21                  ~~annexed to such act any sketch, blueprint, or survey that forms part of the act, the~~  
22                  ~~copy filed with the board of assessors shall have attached a copy of the sketch,~~  
23                  ~~blueprint, or survey.~~

24                  (ii) ~~Cause~~ **cause** the act to be registered with the office of the clerk as the  
25                  recorder for the parish of Orleans, within forty-eight hours after the passage of the  
26                  act.

27   \*       \*       \*

28                  Section 3. This Act shall become effective on January 1, 2011.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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DIGEST

Murray (SB 189)

Present law provides that the sheriff of Orleans parish shall file a copy of acts of sale of real property with the assessor within 15 days from the date of adjudication.

Present law provides that whoever violates the provision of present law shall be fined not more than \$50.00 or imprisoned for not more than 60 days, or both.

Proposed law removes both of these requirements from present law.

Present law provides that notaries public shall file and record all acts of sale or any other act evidencing a transfer of immovable property situated in Orleans Parish with the register of conveyances or recorder of mortgages or both and with the assessor.

Proposed law removes the requirement in Orleans Parish that notaries public shall file acts of sale of immovable property with the assessor.

Effective January 1, 2011.

(Amends R.S. 13:4405 and R.S. 35:199(A)(2))